Supreme Court No.: 90497-9
Court of Appeals No.: 69542-8-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SARAH WIXOM,

Petitioner.

PETITION FOR REVIEW

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A. INTRODUCTION

The police received information from a 911 caller that a male driver was possibly assaulting his female passenger, later identified as Sarah Wixom, while on the road. The investigating officers placed the driver in handcuffs and required Ms. Wixom, who they believed was a victim of domestic violence, to provide identification. When an officer determined she provided inaccurate information, he placed her under arrest and discovered drugs on her person and in a purse found in the car.

Ms. Wixom moved to suppress this evidence, arguing the arrest and search of the vehicle were unlawful. On appeal, Ms. Wixom challenged the unlawful seizure resulting from the officer's request for identification. The Court of Appeals declined to review Ms. Wixom's appeal because she failed to raise precisely the same issue she had raised in her motion to suppress below. Because the facts surrounding the seizure were fully developed in the record, the Court of Appeals wrongly denied Ms. Wixom her right to appeal. This court should grant review.

B. IDENTITY OF PETITIONER AND THE DECISION BELOW

Ms. Wixom requests this Court grant review pursuant to RAP 13.4(b) of the decision of the Court of Appeals, Division One, in State v. Sarah Wixom, No. 69542-8-I, filed April 28, 2014. A copy of the opinion

is attached as Appendix A. Ms. Wixom's motion for reconsideration was denied June 13, 2014. A copy of this order is attached as Appendix B.

C. ISSUE PRESENTED FOR REVIEW

Article I, section 22 grants individuals convicted of a crime the constitutional right to review. Pursuant to RAP 2.5(a)(3), an appellant may raise a manifest error affecting a constitutional right for the first time on appeal. Ms. Wixom raised an unlawful seizure issue on appeal that, while not precisely the same issue raised in the CrR 3.6 hearing below, was fully developed in the record. Should this Court grant review because the Court of Appeals improperly relied on State v. McFarland[1] and declined to consider Ms. Wixom's claim on appeal in contravention of State v. Contreras?[2] RAP 13.4(b)(2), (4).

D. STATEMENT OF THE CASE

Sarah Wixom was a passenger in a car that a 911 caller reported was swerving outside of its lane boundaries. 5/9/12 RP 30-31.[3] The caller reported it appeared the male driver of the car was swerving because he was punching the female passenger. 5/9/12 RP 31. However, she told the 911 dispatcher she "could be wrong about that." Id. She did not actually

[1] 127 Wn.2d 322, 899 P.2d 1251 (1995).
[2] 92 Wn. App. 307, 966 P.2d 915 (1998).
[3] The verbatim reports of proceedings are not numbered by volume. They are referred to herein by date and then page number.

observe the driver strike the passenger. Instead, she made the following observation:

> [H]e just kept leaning over and leaning over, and then swerving all over the road, and she was – seemed to be huddled down in the seat, and it just appeared that there was something bad going on.

5/9/12 RP 32. In response to the call, officers were dispatched to a Wal-Mart parking lot, where the caller reported the car had turned to park. 5/9/12 RP 31.

Officer Shaddy was the first to arrive at Wal-Mart and pulled into the parking space facing the car identified by the 911 caller. CP 17. He reported that a male, later identified as Jesse Skogseth, got out of the car and approached him. CP 17. Ms. Wixom, the passenger in the car, was already out of the vehicle. Id. Officer Shaddy reported Mr. Skogseth stopped an arm's length away from him, but because Mr. Skogseth was speaking quickly and fidgeting, the officer immediately moved to handcuff him. CP 17.

Officer Oster, who was the second officer to arrive on the scene, testified he received information about a "possible domestic in a vehicle, possibly a male hitting a female in that vehicle." 5/9/12 RP 36. When he arrived, he assisted Officer Shaddy with handcuffing Mr. Skogseth. 5/9/12 RP 43. Ms. Wixom yelled at the officers, telling them that Mr.

Skogseth had done nothing wrong and to release him. Id. Officer Oster turned his attention to Ms. Wixom, and told her about the allegations made by the 911 caller. 5/9/12 RP 45. He testified that every time he tried to offer an explanation, Ms. Wixom would interrupt and shout over him. 5/9/12 RP 46.

At that point, he asked her for identification. Id. Officer Oster testified it was necessary to ask for identification because he needed to know who he was talking to and, as part of his investigation, it is important that he "figure out who is who." 5/9/12 RP 40. He also believed it was important to have this information because he was investigating an allegation of domestic violence. Id. He testified that he needed to determine whether there was a history between the two parties or a court order preventing them from being together. Id.

Ms. Wixom denied having identification, but provided her name and date of birth, which Officer Oster heard as "Sarah J. Bixom" and August 6, 1986. 5/9/12 RP 46-47. Officer Oster performed an unsuccessful computer search with that information, at which point he learned from another officer that the car owner's last name was Wixom. 5/9/12 RP 47-48. When he asked Ms. Wixom if her last name was actually Wixom, she confirmed that it was. 5/9/12 RP 48. Officer Oster testified that Ms. Wixom also confirmed her date of birth was August 6,

1986. Id. When Officer Oster's computer search was again unsuccessful, Ms. Wixom told him she did not wish to speak with him. 5/9/12 RP 48, 66. He instructed her that she did not have a choice, and she must identify herself. 5/9/12 RP 66. She then provided her date of birth as August 6, 1983. 5/9/12 RP 49.

Officer Oster determined this identifying information was correct, but placed Ms. Wixom under arrest for giving him the prior false information. 5/9/12 RP 50. By this time, another officer had spoken in person with the 911 caller, who made it clear she had not actually witnessed an assault. 5/9/12 RP 49. In addition, Ms. Wixom showed no signs of having been assaulted, and Ms. Wixom and Mr. Skogseth both denied that an assault had occurred. 5/9/12 RP 51, 57.

During Ms. Wixom's arrest, methamphetamine was found in her wallet. CP 23, 99. Ms. Wixom and Mr. Skogseth were released at the scene, but the car was impounded. 5/9/12 RP 51. During a subsequent search of the car, methamphetamine and Alprazolam pills were found inside of a purse. CP 25.

Ms. Wixom moved to suppress the evidence against her, but her motions were denied by the trial court. CP 63, 64, 93. At a stipulated bench trial, Ms. Wixom was convicted of possession of methamphetamine and possession of Alprazolam. CP 164. She was never charged with

providing false information. 4/4/12 RP 18; CP 164. The Court of Appeals affirmed Ms. Wixom's convictions, declining to consider her argument on appeal after finding the record was insufficient for review and therefore did not meet the requirements of RAP 2.5(a)(3). Slip Op. at 7.

E. ARGUMENT IN FAVOR OF GRANTING REVIEW

The Court should grant review to correct the improper application of State v. McFarland and wrongful denial of Ms. Wixom's right to appeal.

a. Contrary to the Court of Appeals opinion below, its decision in *State v. Contreras* required the court to review manifest constitutional errors raised for the first time on appeal when an adequate record exists.

Ms. Wixom challenged the admission of the seized evidence against her in a pre-trial motion to suppress and on appeal. Specifically, prior to trial, Ms. Wixom challenged her arrest and the sufficiency of the affidavit supporting the search warrant for the vehicle. 4/4/12 RP at 19; 5/9/12 RP 101-02; 10/3/12 RP 4. On appeal, Ms. Wixom challenges the unlawful seizure of her person when the officer asked her to identify herself.

The Court of Appeals declined to consider Ms. Wixom's claim, relying on State v. McFarland to find the record was insufficient for review. 127 Wn.2d 322, 899 P.2d 1251 (1995); Slip Op. at 6-7. In McFarland, the defendants challenged their warrantless arrests for the first

time on appeal, arguing they were denied effective assistance of counsel because their attorneys failed to move the trial court for suppression of the evidence at issue. 127 Wn.2d at 327, 329-30.[4] Because the defendants did not move to suppress before the trial court, this Court found the record was insufficient to review their claim. Id. at 334.

In State v. Contreras, the Court of Appeals declined to adopt a narrow reading of McFarland, and found that "McFarland focused on the inadequacy of the record on the issue raised for appellate review, not on the lack of a trial court ruling." 92 Wn. App. 307, 313, 966 P.2d 915 (1998) (emphasis added). It concluded:

> when an adequate record exists, the appellate court may carry out its long-standing duty to assure constitutionally adequate trials by engaging in review of manifest constitutional errors raised for the first time on appeal.

92 Wn. App. at 313.

When the Court of Appeals declined to review Ms. Wixom's claim, it noted the insufficiency of the record. Slip Op. at 6-7. It found that because Ms. Wixom did not make the exact same argument raised on appeal to the trial court below "few details surrounding the alleged

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[4] The two other cases the Court of Appeals cites for this proposition, State v. Mierz, 127 Wn.2d 460, 469, 901 P.2d 286 (1995), and State v. Baxter, 68 Wn.2d 416, 419, 413 P.2d 638 (1966), also involve defendants who failed to move to suppress the evidence at issue prior to trial. In Baxter, this Court chose to review the merits of the defendant's claim despite the defendant's omission. 68 Wn.2d at 422.

unlawful seizure were developed." Slip Op. at 7. However, unlike in McFarland, the trial court here held an evidentiary hearing on Ms. Wixom's motion to suppress, and the record provides a detailed account of the circumstances surrounding Ms. Wixom's seizure.

The facts in the record, undisputed on appeal, show that a 911 caller reported a possible assault in a car, based on a male driver leaning toward his female passenger and the car swerving outside the lane boundaries. 5/9/12 RP 31. Although the caller had not seen the driver strike the passenger, it appeared to her that "there was something bad going on." 5/9/12 RP 32.

Officer Michael Oster testified that when he arrived at the scene another officer was placing the driver, Jesse Skogseth, under arrest. 5/9/12 RP 41. The car identified by the 911 caller was in front of one of the police vehicles and "partially off to the side." 5/9/12 RP 41. Mr. Skogseth was against the driver's side of the police vehicle. Id. Ms. Wixom, the passenger in the car, was standing beside her car. 5/9/12 RP 42. She yelled at the officers that Mr. Skogseth had done nothing wrong and to release him. Id. Officer Oster tried to tell Ms. Wixom about the allegations made by the 911 caller. 5/9/12 RP 45. He testified that every time he tried to offer an explanation, she would interrupt and shout over him. 5/9/12 RP 46.

Officer Oster had another officer "stand with Ms. Wixom" while he gathered more information. Id. He then returned to Ms. Wixom, where she continued to yell at the officer standing with her. Id. Officer Oster said he tried again to explain the 911 call, but that he "could never finish a sentence, could not even begin to explain because of her yelling and screaming" and "[a]t that point [he] asked for identification from her." Id. In response to questioning, he testified that he asked for identification, as he typically did under these circumstances, in order to figure out whether there was a history between the parties and to "figure out who is who." RP 39-40. According to Officer Oster, Ms. Wixom provided incorrect information and then informed him she no longer wished to speak with him. 5/9/12 RP 46-48, 66. In response, the officer told her that she did not have a choice, and that she must identify herself. 5/9/12 RP 66.

This record provides a detailed account of the officer's encounter with Ms. Wixom, including where she was physically standing in relationship to the officer and why he asked for her identification. The basis for the seizure was made part of the record, as were the details surrounding the seizure. Thus, while citing a lack of detail in the record, the court's opinion relies on the fact that Ms. Wixom did not raise this precise issue below. Slip Op. at 7 ("Because Wixom did not make her suppression argument below, few details surrounding the alleged unlawful

seizure were developed) (emphasis added). This holding is in direct contravention of its prior decision in Contreras and raises an issue of substantial public interest. This Court should accept review.

b. When the Court of Appeals declined to review Ms. Wixom's claim, it denied Ms. Wixom her right to appeal.

A person convicted of a crime has a constitutional right to appeal. Const. art. I, § 22. The importance of this right has been reiterated in numerous cases by this Court. City of Seattle v. Klein, 161 Wn.2d 554, 567, 166 P.3d 1149 (2007). Under RAP 2.5(a), Ms. Wixom is entitled to raise a constitutional error for the first time on review. When the Court of Appeals declined to consider her claim, it wrongly denied Ms. Wixom her constitutional right to appeal.

Because Ms. Wixom moved to suppress the evidence in front of the trial court, the error she asserted on appeal was fundamentally the same as that which she asserted before the trial court: the evidence against her was inadmissible at trial. However, even if the Court determines Ms. Wixom's error was raised for the first time on review, she met the requirements of RAP 2.5(a)(3).

In order to satisfy RAP 2.5(a)(3), Ms. Wixom was required to show that (1) the error was manifest, and (2) the error is truly of constitutional dimension. State v. O'Hara, 167 Wn.2d 91, 98, 217 P.3d

756 (2009) (citing State v. Kirkman, 159 Wn.2d 918, 926, 155 P.3d 125 (2007)). In other words, Ms. Wixom needed to "identify a constitutional error and show the alleged error actually affected [Ms. Wixom's] rights at trial. O'Hara, 167 Wn.2d at 98 (quoting Kirkman, 159 Wn.2d at 926-27).

The Court of Appeals determined Ms. Wixom failed to show the error was manifest because the record was insufficient for review. Slip Op. at 7. As explained above, the record was fully developed at the suppression hearing and therefore sufficient for review on appeal. When the Court of Appeals found to the contrary, it wrongly denied Ms. Wixom's right to appeal. This Court should grant review.

c. The Court should review Ms. Wixom's claim on the merits and reverse.

This court should grant review of the Court of Appeals opinion and review Ms. Wixom's claim on its merits. The facts of this case present circumstances similar to those in State v. Rankin, in which this Court held that a passenger in a car is unlawfully seized when an officer requests identification for investigative purposes, absent an independent basis for making the request. 151 Wn.2d 689, 692, 92 P.3d 202 (2004). The difference between Rankin and the case at bar is that, unlike the passenger in Rankin, Ms. Wixom was the alleged victim of a crime.

After the police placed Mr. Skogseth in handcuffs, the officer asked Ms. Wixom to provide identification. 5/9/12 RP 46. At the CrR 3.6 hearing, the officer testified that he needed this information because it was important that he "figure out who is who" and determine whether there was a history between the two parties, given the allegation of domestic violence. 5/9/12 RP 40. The officer's request was for the sole purpose of conducting a criminal investigation, notwithstanding the fact that he lacked any articulable suspicion that Ms. Wixom was engaged in criminal activity. This is impermissible under Rankin. 151 Wn.2d at 699.

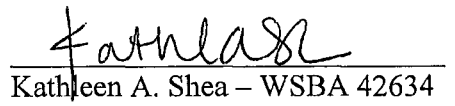
The admission of evidence against Ms. Wixom raises important questions about Rankin's application in the investigation of a domestic violence crime, when an officer requests identification from a victim of the crime. This Court should grant review in the substantial public interest and consider Ms. Wixom's case on its merits.

F. CONCLUSION

The Court should grant review of the Court of Appeals opinion affirming Ms. Wixom's drug possession convictions.

DATED this 11th day of July, 2014.

Respectfully submitted,



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APPENDIX A

COURT OF APPEALS, DIVISION I OPINION

April 28, 2014

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	NO. 69542-8-I
Respondent,	)	DIVISION ONE
v.	)	
SARAH JANE WIXOM,	)	UNPUBLISHED OPINION
Appellant.	)	FILED: April 28, 2014

LAU, J. — Sarah Wixom appeals her drug possession convictions on the ground that she was unlawfully seized when a police officer asked her to identify herself while investigating a report that a male driver may have punched his female passenger. Because Wixom failed to move for suppression of the drug evidence on this basis below, and because she has not demonstrated "manifest error affecting a constitutional right" under RAP 2.5(a)(3), we decline to review her untimely claim. We affirm.

FACTS

Wixom assigns no error to any of the trial court's findings of fact entered after her pretrial suppression motions. Unchallenged findings are verities on appeal. State v.

O'Neill, 148 Wn.2d 564, 571, 62 P.3d 489 (2003). Those findings establish the following facts.

On October 17, 2011, City of Mount Vernon Police Officers Shaddy, Oster, and Gerondale responded to an eyewitness report that a male driver may have punched his female passenger before stopping in a Walmart parking lot. When Officer Shaddy located the vehicle, Wixom was standing outside. The driver exited the vehicle and immediately approached Officer Shaddy while fidgeting and speaking rapidly. Wixom, who was clearly upset, yelled profanity at Officers Shaddy and Oster while they handcuffed the driver. Officer Gerondale left the scene to locate the eyewitness. Officer Shaddy frisked the driver and found methamphetamine in his pocket.

Wixom continued to yell as Officer Oster attempted to discuss the reported assault with her. Wixom insisted the driver did not hit her and said the eyewitness must have called in a false report. At this point, Officer Oster asked Wixom to identify herself. Wixom said her name was "Sarah J. Bixom" and her birth date was August 6, 1986. A computer search using this information turned up no results. Officer Oster, having just learned the driver's vehicle was registered to a "Barbara Wixom," asked Wixom if her last name was actually "Wixom." Wixom acknowledged it was. She maintained, however, that her birth date was August 6, 1986. Following another unsuccessful computer search, Wixom acknowledged her birth date was actually August 6, 1983.

Officer Oster arrested Wixom for providing a false statement. During a search of Wixom's jacket, Officer Shaddy located methamphetamine in a wallet. The police impounded the vehicle and later executed a search warrant. The search revealed methamphetamine in the vehicle's trunk and center console. A search of a purse on the

passenger floorboard revealed a receipt and a pill bottle bearing Wixom's name, as well as an Alprazolam pill bottle bearing the name "William Carnahan."

The State charged Wixom by amended information with two counts of methamphetamine possession and one count of Alprazolam possession. Following a bench trial on stipulated facts, the court convicted Wixom of Alprazolam possession and one count of methamphetamine possession. Wixom appeals her convictions.

ANALYSIS

Wixom's assignment of error states, "The officer violated article I, section 7, when he demanded that Ms. Wixom provide identifying information." Br. of Appellant at 1. She claims she was "seized as a matter of law when the officer first asked her to identify herself." Br. of Appellant at 8. She concludes, "Because Ms. Wixom was unlawfully seized, the evidence obtained during the subsequent search of her person and car must be suppressed, and her case dismissed." Br. of Appellant at 13. For the reasons discussed below, we conclude Wixom failed to preserve this issue for appeal.

"As a general rule, appellate courts will not consider issues raised for the first time on appeal." State v. McFarland, 127 Wn.2d 322, 332-33, 899 P.2d 1251 (1995); see also RAP 2.5(a) ("The appellate court may refuse to review any claim of error which was not raised in the trial court."). An appellant waives a suppression issue if he or she failed to move for suppression on the same basis below. See State v. Garbaccio, 151 Wn. App. 716, 731, 214 P.3d 168 (2009) ("Because [the defendant's] present contention was not raised in his suppression motion, and because he did not seek a ruling on this issue from the trial court, we will not consider it for the first time on appeal.").

Wixom waived her assignment of error by raising it for the first time on appeal. As discussed below, Wixom filed three suppression motions. None raised the present issue—whether all physical evidence must be suppressed because Officer Oster unlawfully seized Wixom when he first asked her to identify herself.

Wixom filed her first suppression motion on March 21, 2012. She raised no unlawful seizure issue and limited her request to suppression of the methamphetamine found on her person.[1] She claimed the search of her person was unconstitutional because the police officer lacked probable cause to arrest her for obstructing a law enforcement officer. At a hearing on the motion held on April 4, 2012, the trial court displayed some confusion regarding the issues presented by the motion. The prosecuting attorney stated, "It's whether there was PC to arrest." Report of Proceedings (RP) (Apr. 4, 2012) at 19. Defense counsel expressed no disagreement. He merely added, "And we're asking to suppress the evidence that was on her person at this point." RP (Apr. 4, 2012) at 19. In an oral ruling, the court agreed that the police lacked probable cause to arrest Wixom for obstruction. But it declined to order suppression, ruling an evidentiary hearing was needed to determine if the police had probable cause to arrest Wixom for making false statements to a public servant.[2]

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[1] At the time Wixom filed her first suppression motion, she faced a single possession charge associated with the methamphetamine found during the search of her person incident to arrest. Approximately a week later, the State charged two additional counts to account for drugs found during the postarrest vehicle search. As stated above, Wixom now seeks suppression of all physical evidence—that is, of the drugs found both on her person and in the vehicle.

[2] On June 8, 2012, the court entered written findings and fact and conclusions of law memorializing its April 4, 2012 oral ruling. It made no ruling as to whether an unlawful seizure occurred when Officer Oster asked Wixom to identify herself.

The court set an evidentiary hearing for May 9, 2012. Prior to the hearing, Wixom filed a second suppression motion. Again, she raised no unlawful seizure issue. She instead argued, "The search of Ms. Wixom's person, pursuant to an arrest for an alleged violation of RCW 9A.76.175 [the criminal statute prohibiting material false statements to a public servant], was illegal because the statute is unconstitutional as applied to her and upon statutory construction."[3] Although she asserted she was "clearly seized and searched without a warrant," context shows this assertion supported her overarching claim that the arrest was unlawful.

At the May 9, 2012 evidentiary hearing, the court identified the dispositive issues as "whether or not the statement by [Wixom] was material, and whether it was made to an officer who was in the official discharge of his duties." RP (May 9, 2012) at 101-02. In written orders entered on June 13, 2012, the court ruled (1) probable cause supported Wixom's arrest for making a false statement and (2) "RCW 9A.76.175 is not unconstitutionally vague or overbroad." It made no ruling as to whether an unlawful seizure occurred when Officer Oster asked Wixom to identify herself.

Wixom filed a third suppression motion on August 3, 2012. This time she challenged the sufficiency of the affidavit supporting issuance of the vehicle search warrant. Again, she raised no unlawful seizure issue. In a written order entered on October 4, 2012, the court upheld the search warrant. It made no ruling as to whether an unlawful seizure occurred when Officer Oster asked Wixom to identify herself.

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[3] RCW 9A.76.175 provides: "A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. 'Material statement' means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties."

The record shows Wixom raised the present seizure issue for the first time on appeal. She cites to nothing in the record indicating that she raised this issue before the trial court. Review is discretionary unless Wixom can demonstrate the issue constitutes "manifest error affecting a constitutional right." RAP 2.5(a)(3).

To take advantage of RAP 2.5(a)(3), Wixom bears the burden to show the alleged error is "truly of constitutional dimension," and that it resulted in actual prejudice. State v. O'Hara, 167 Wn.2d 91, 98, 217 P.3d 756 (2009). Wixom fails to carry this burden because she never cites RAP 2.5(a)(3) or discusses its applicability.[4] "In analyzing the asserted constitutional interest, we do not assume the alleged error is of constitutional magnitude." O'Hara, 167 Wn.2d at 98; see also State v. Montgomery, 163 Wn.2d 577, 595, 183 P.3d 267 (2008) (construing RAP 2.5(a)(3) narrowly).

Further, "[i]f the facts necessary to adjudicate the claimed error are not in the record on appeal, no actual prejudice is shown and the error is not manifest." McFarland, 127 Wn.2d at 333. Our record lacks necessary facts.

"Not every encounter between an officer and an individual amounts to a seizure." State v. Nettles, 70 Wn. App. 706, 709, 855 P.2d 699 (1993). For purposes of article I, section 7, a seizure occurs when, "when considering all the circumstances, an individual's freedom of movement is restrained and the individual would not believe he or she is free to leave or decline a request due to an officer's use of force or display of authority." State v. Rankin, 151 Wn.2d 689, 695, 92 P.3d 202 (2004). Generally speaking, "[a]n officer's request for identification, without more, is not a seizure." State

[4] The State argues, "[T]he situation does not present a manifest error affecting a constitutional right that permits [Wixom] to raise the issue of when she was seized for the first time on appeal under RAP 2.5(a)." Resp't's Br. at 14.

v. Smith, 154 Wn. App. 695, 700, 226 P.3d 195 (2010); see also State v. Bailey, 154 Wn. App. 295, 300, 224 P.3d 852 (2010) ("[A]n officer may ask for an individual's identification in the course of a casual conversation.").

Because Wixom did not make her suppression argument below, few details surrounding the alleged unlawful seizure were developed. Accordingly, the record is insufficient to review the issue for the first time on appeal and the alleged error is not manifest. We decline to consider it for the first time on appeal. RAP 2.5(a); State v. Mierz, 127 Wn.2d 460, 468, 901 P.2d 286 (1995); State v. Baxter, 68 Wn.2d 416, 422-23, 413 P.2d 638 (1966).

We affirm the convictions.

WE CONCUR:

APPENDIX B

ORDER DENYING MOTION FOR RECONSIDERATION

June 13, 2014

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

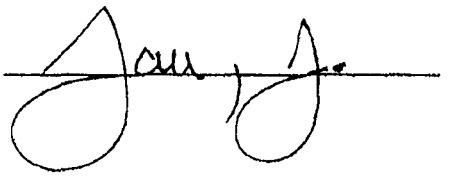
STATE OF WASHINGTON, Respondent, v. SARAH JANE WIXOM, Appellant.	)	NO. 69542-8-I DIVISION ONE ORDER DENYING MOTION FOR RECONSIDERATION

Appellant Sarah Wixom moved on May 19, 2014, for reconsideration of the court's April 28, 2014 opinion, and the court has determined that the motion should be denied. Therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

DATED this 13th day of June 2014.

FOR THE COURT:



DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 69542-8-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

☒ respondent Erik Pedersen, DPA
Skagit County Prosecutor's Office

☒ petitioner

☐ Attorney for other party

MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: July 11, 2014